

Notice of Allowability

Application No.

09/821,134

Examiner

Un C Cho

Applicant(s)

HIMMEL ET AL.

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 24 August 2004.
2. ☒ The allowed claim(s) is/are 1-7,9,10,15-21,23,24,29-35,37,38 and 43-66.
3. ☒ The drawings filed on 29 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Allowable Subject Matter

1. Claims 1 – 7, 9, 10, 15 – 21, 23, 24, 29 – 35, 37, 38, 43 – 66 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, Tsunami (US 6,735,431) discloses detecting a registration of the radio communication terminal with a base station (Col. 11, line 65 through Col. 12, line 2), initialing a user preferred schedule for pushing advertisements to the radio-communication terminal subsequent to a detection of the registration (Col. 11, lines 1 – 67 through Col. 12, line 2) and pushing the advertisement to the radio-communication terminal in accordance with the user preferred schedule (Col. 12, lines 4 – 14 and 60 – 67). However, Tsunami and Jokinen either alone or in combination do not specifically disclose determining a first service area of the base station, determining a second service area of any potential handoff base station, matching a location of an advertiser represented in the advertisement with the first service area or the second service area.

Regarding claim 15, the claim interpreted and allowed for the same reason as set forth in claim 1.

Regarding claim 29, the claim is interpreted and allowed for the same reason as set forth in claim 1.

Regarding claim 43, Tsunami (US 6,735,431) discloses detecting a registration of the radio communication terminal with a base station (Col. 11, line 65 through Col. 12, line 2), initialing a user preferred schedule for pushing advertisements to the radio-communication terminal subsequent to a detection of

the registration (Col. 11, lines 1 – 67 through Col. 12, line 2) and pushing the advertisement to the radio-communication terminal in accordance with the user preferred schedule (Col. 12, lines 4 – 14 and 60 – 67). However, Tsunami and Jokinen either alone or in combination do not specifically disclose compiling a list of advertisements previously pushed to mobile station prior to pushing the advertisement to the mobile station wherein the advertisement is pushed to the mobile station when the advertisement that is absent from the list of advertisements.

Regarding claim 51, the claim is interpreted and allowed for the same reason as set forth in claim 43.

Regarding claim 59, the claim is interpreted and allowed for the same reason as set forth in claim 43.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (703)305-8725. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703)308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho
Examiner
Art Unit 2682

UC 10/1/2004
LESTER G. KINCAID
PRIMARY EXAMINER